

JOURNAL OF THE SENATE

Wednesday, April 14, 1943

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, April 13, 1943.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Tuesday, April 13, 1943, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Your Committee on Education, to whom was referred—

Senate Bill No. 7:

A bill to be entitled An Act relating to public education to prohibit the establishment or organization of fraternities, sororities or other secret organizations whose membership consists in whole or in part of pupils enrolled in public schools of the State of Florida; to prohibit pupils enrolled in the public schools of the State of Florida from belonging to fraternities, sororities or other secret organizations; to authorize County Boards of Public Instruction to prescribe any necessary regulations and to enforce the provisions of this Act; and to repeal all laws in conflict with this Act.

Have had the same under consideration, and recommend that the same does pass.

Very respectfully,

JAY A. SHULER,
Chairman of Committee.

And Senate Bill No. 7, contained in the above report, was placed on the Calendar of Bills on second reading.

Your Committee on Privileges and Elections, to whom was referred—

Senate Bill No. 62:

A bill to be entitled An Act authorizing and empowering the Attorney General of the State of Florida to devise a suitable seal for the Supervisor of Registration in each county of the State of Florida, and to deposit in the office of the Secretary of State of Florida an impression and description thereof certified by the Attorney General, to provide for the cost and expense thereof, and providing for seal to be affixed to all official documents and certificates executed by the Supervisor of Registration.

Have had the same under consideration, and recommend that the same does pass.

Very respectfully,

J. A. FRANKLIN,
Chairman of Committee.

And Senate Bill No. 62, contained in the above report, was placed on the Calendar of Bills on second reading.

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Concurrent Resolution No. 3:

Providing for the appointment of a Special Joint Committee to consider, study and approve proposed legislation on statutory revision, annotations of the Florida Statutes, and other related matters.

Have examined the same and find it correctly enrolled.

The same having been duly signed by the Speaker and

Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

S. A. HINELY,
Chairman of the Joint Committee on
Enrolled Bills on the Part of the Senate.

The Resolution contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall—

Senate Bill No. 95:

A bill to be entitled An Act fixing the compensation and mileage of County Commissioners in counties having a population of not less than 74,000 and not more than 80,000 by the last preceding census, State or Federal.

Which was read the first time by title only.

Senator Shuler moved that the rules be waived and Senate Bill No. 95 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 95 was read the second time by title only.

Senator Shuler moved that the rules be further waived and Senate Bill No. 95 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 95 was read the third time in full.

Upon the passage of Senate Bill No. 95 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 95 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Shuler withdrew Senate Bill No. 79.

By Senator Beall—

Senate Bill No. 96:

A bill to be entitled An Act providing for the payment of office expenses of the Judges of all Constitutional Courts of Record in the State of Florida, and of the Judge of the Court of Record of Escambia County, Florida.

Which was read the first time by title only.

Senator Shuler moved that the rules be waived and Senate Bill No. 96 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 96 was read the second time by title only.

Senator Shuler moved that the rules be further waived and Senate Bill No. 96 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 96 was read the third time in full.

Upon the passage of Senate Bill No. 96 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer,

Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 96 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—
Senate Bill No. 97:

A bill to be entitled An Act relating to the City of Jacksonville, and fixing the term of office of the Councilmen of said city.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 97 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Mathews moved that the rules be waived and Senate Bill No. 97 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 97 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 97 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 97 was read the third time in full.

Upon the passage of Senate Bill No. 97 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 97 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—
Senate Bill No. 98:

A bill to be entitled An Act providing for service raises for employees of the City of Jacksonville, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 98 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Mathews moved that the rules be waived and Senate Bill No. 98 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 98 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 98 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 98 was read the third time in full.

Upon the passage of Senate Bill No. 98 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 98 passed, title as stated, and the

action of the Senate was ordered certified to the House of Representatives.

By Senator King—
Senate Bill No. 99:

A bill to be entitled An Act to amend Section 295.01 of the Florida Statutes of 1941, the same relating to educational benefits for the orphans of deceased veterans so that the same when amended shall include the orphans of deceased veterans of World War Number Two.

Which was read the first time by title only and referred to the Committee on Education.

By Senator King—
Senate Bill No. 100:

A bill to be entitled An Act providing that disabled veterans of World War Number Two becoming disabled in line of duty between December 7, 1941, and the close of World War Number Two shall be entitled to the same license tax exemption as now is provided by law for disabled veterans of the Spanish American War and/or the veterans of World War Number One.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Mathews—
Senate Bill No. 101:

A bill to be entitled An Act to establish limited partnerships. Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator McKenzie—
Senate Bill No. 102:

A bill to be entitled An Act to regulate the sale, offering for sale and transportation of agricultural and vegetable seed and providing for inspection and testing thereof; to prevent misrepresentation and fraud in the advertisement and sale thereof; providing for the enforcement hereof and repealing Chapter 20251, Laws of Florida, Acts of 1941, and all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Agriculture and Livestock.

By Senator McKenzie—
Senate Bill No. 103:

A bill to be entitled An Act to amend Section 576.11 of the Florida Statutes, 1941, relating to commercial fertilizer inspection fees.

Which was read the first time by title only and referred to the Committee on Agriculture and Livestock.

By Senators Barringer, Franklin and Cliett—
Senate Bill No. 104:

A bill to be entitled An Act amending Section 26.33, Florida Statutes, 1941, providing for time for holding terms of the Circuit Court of the Twelfth Judicial Circuit.

Which was read the first time by title only.

Senator Franklin moved that the rules be waived and Senate Bill No. 104 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 104 was read the second time by title only.

Senator Franklin moved that the rules be further waived and Senate Bill No. 104 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 104 was read the third time in full.

Upon the passage of Senate Bill No. 104 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—32.

Nays—None.

So Senate Bill No. 104 passed, title as stated, and the

action of the Senate was ordered certified to the House of Representatives.

By Senator Franklin—
Senate Bill No. 105:

A bill to be entitled An Act designating and establishing a State road to extend from Harrisburg in Glades County, Florida, southwesterly to La Belle, Florida.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Wilson—
Senate Bill No. 106:

A bill to be entitled An Act to amend Section 112.05, Florida Statutes, 1941, as amended by Chapter 20499, Laws of Florida, Acts of 1941, relating to the retirement of State officials or State employees.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senator Sheldon—
Senate Bill No. 107:

A bill to be entitled An Act to amend Section 5 of Chapter 17060, Laws of Florida, Acts 1935, Legislature, entitled "An Act regulating the allowance of the exemption of homesteads from taxation, and prescribing the duties of county and city officials with reference thereto," being Section 192.16, Florida Statutes 1941, by providing for the execution and delivery of a receipt to each applicant for homestead exemption.

Which was read the first time by title only and referred to the Committee on County Organizations.

By Senator Sheldon—
Senate Bill No. 108:

A bill to be entitled An Act providing for the publication of ordinances of the City of Port Tampa, Florida, by posting at three public places in said city and by publication in a newspaper published in said city, and ratifying and validating all ordinances heretofore adopted and not repealed by the City Council of the City of Port Tampa.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 108 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Sheldon moved that the rules be waived and Senate Bill No. 108 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 108 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 108 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 108 was read the third time in full.

Upon the passage of Senate Bill No. 108 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 108 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Sheldon—
Senate Bill No. 109:

A bill to be entitled An Act validating, ratifying, and confirming all assessments, valuations of properties and levies of taxes made by the City of Port Tampa, for the years 1941 and 1942; declaring the same valid and binding liens on the property so assessed; and authorizing the collection and enforcement thereof in the manner provided by law.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 109 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Sheldon moved that the rules be waived and Senate Bill No. 109 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 109 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 109 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 109 was read the third time in full.

Upon the passage of Senate Bill No. 109 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So Senate Bill No. 109 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 14, 1943.

Hon. Philip D. Beall,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1943 Session of the Florida Legislature—

By Mr. Jenkins of Alachua—
House Joint Resolution No. 13:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 12 OF THE DECLARATION OF RIGHTS IN THE CONSTITUTION OF THE STATE OF FLORIDA, RELATING TO DOUBLE JEOPARDY, SELF-INCRIMINATION, DUE PROCESS OF LAW, AND THE TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION, BY PROVIDING THE RIGHT OF CITIZENS TO WORK SHALL NOT BE DENIED OR ABRIDGED ON ACCOUNT OF MEMBERSHIP OR NON-MEMBERSHIP IN ANY LABOR UNION, OR LABOR ORGANIZATION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to the Constitution of the State of Florida, Section 12 of the Declaration of Rights of said Constitution, be and the same is hereby agreed to, and the same shall be submitted to the qualified electors of the State of Florida for ratification or rejection at the next ensuing General Election, that is to say, that Section 12 of the Declaration of Rights of the Constitution of the State of Florida, be amended so as to read as follows:

"Section 12. No person shall be subject to be twice put in jeopardy for the same offense, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken without just compensation. The right of citizens to work shall not be denied or abridged on account of membership or non-membership in any labor union, or labor organization."

And respectfully requests the concurrence of the Senate therein.

Respectfully,
WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Joint Resolution No. 13, contained in the above message, was read the first time in full and referred to the Committees on Constitutional Amendments and Labor and Industry, jointly.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 14, 1943.

Hon. Philip D. Beall,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Brackin of Okaloosa; West of Santa Rosa, and Wiseheart of Dade—

House Memorial No. 2:

Memorializing Congress to pass Pharmacy Corps Bill.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Memorial No. 2, contained in the above Message, was read the first time in full and referred to the Committee on Public Health.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 14, 1943.

Hon. Philip D. Beall,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Walker and Nilsson of Volusia—

House Bill No. 31:

A bill to be entitled An Act to amend Section 1 of Chapter 20331, Laws of Florida, Acts of 1941, entitled: "An Act relating to the salaries of the judges of the Circuit Court residing in a circuit composed of four counties, with one county of said circuit having a population of 50,000 or more, according to the latest Federal census, and having no Court of Record with a civil jurisdiction concurrent with the Circuit Court, and providing for a portion of such salaries to be paid from the

General Revenue of such counties," by providing that during the absence of a resident judge in the armed forces of the United States or on military leave, that the remaining judge shall be paid all of the certain additional moneys provided for and to be paid by the counties under the provisions of this Act.

By Mr. Lewis of Gulf—

House Bill No. 36:

A bill to be entitled An Act to repeal Chapter 515 Florida Statutes, 1941, and Chapter 20337, Laws of Florida, Acts of 1941, relating to the dry cleaning and laundry industry.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 31, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "A."

And House Bill No. 36, contained in the above message, was read the first time by title only and referred to the Committee on Public Health.

The following Message from the House of Representatives was received and read:

Tallahassee, Florida,
April 14, 1943.

Hon. Philip D. Beall,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has appointed Messrs. Crary of Martin, Chairman, Lewis of Gulf, Floyd of Franklin and Murray of Polk as a committee on the part of the House to serve with a like committee on the part of the Senate under the provisions of Senate Concurrent Resolution No. 3.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

The President announced that the Committee references on Senate Bills Nos. 88 and 89, which were referred to the Committee on Judiciary "A," on April 13, 1943, were changed to the Committee on Appropriations.

Senator Johnson moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:23 o'clock A. M., until 11:00 o'clock A. M., April 15, 1943.